

## REMARKS/ARGUMENTS

### *Amendments in General*

1. Claims 1 and 21 have been amended to clarify that the non-removable limitation means that the insert cannot be removed from the body of the waste trap without the waste trap being damaged. Support for this amendment is found in the last sentence of page 5 of the specification of the application as it was originally filed. These amendments add no new matter to the specification and acceptance of these amendments is respectfully requested.
2. Claim 1 has also been amended to include the limitation which was previously set forth in claim 4 namely the limitation that the body of the device is made of metal. This amendment adds no new matter and acceptance of such an amendment is respectfully requested.
3. Claim 20 has been amended to include the limitation that the insert is non-removably connected to the body of the device. The definition of non-removable has been previously described in the application of the present invention. This amendment adds no new matter to the specification and acceptance of this amendment is respectfully requested.

### *Claim Rejections - 35 USC § 102*

4. The Examiner rejected claims 1, 3, 6-10, 12-14, 16, 17, 19, 21, 23-26 and 28 under §102(b) as being anticipated by Palmer.
5. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
6. Claims 1 and 21 have been amended to include the limitation that the body of the device is metal. The Palmer reference does not teach that the body of the device is made of metal, therefore, the Palmer reference cannot anticipate the claims of the present invention. Therefore, Applicant respectfully requests that the Examiner’s rejection of claims 1,3,6-10, 12-14, 16, 17, 19, 21, 23-26 and 28 be withdrawn and these claims passed on for allowance.
7. Claims 20 and 27 have been rejected under 35 USC §102 as being anticipated by Nance.
8. Claim 20 has been amended to include the limitation that the insert is non-removably



connected to the body portion of the trap. The Nance device does not teach this feature. The insert in the Nance reference is removable. Furthermore, the Nance device does not have a unitary body as is described in the claims of the present invention. The Nance devices teach a body with a removable bottom portion 18.

9. Applicant respectfully submits that claims 20 and 27 of the application are not anticipated in view of these amendments.

#### Claim Rejections - 35 USC § 103

10. The Examiner has rejected claim 15 under 35 USC §103(a) as being unpatentable over Palmer in view of Carter.

11. As was discussed above, claim 1 from which claim 15 depends now requires that the body of the device be a metal body. The Palmer device does not teach this feature. In as much as the combination which has been suggested by the Examiner fails to include each and every feature of the present invention, Applicant respectfully submits that a *prima facie* case of obviousness has not been put together and therefore respectfully requests that this rejection be withdrawn.

12. The Examiner has also rejected claims 4,5-8 18, 30 and 31 over Nance in view of Webster.

13. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the Applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” MPEP § 706.02(j).

14. There is no motivation or suggestion to combine the Nance and the Webster references and even if combined this combination would fail to include each and every feature, which has been set forth in the claims of the present application.

15. The present invention is a trap made up of an insert, which is non-removably attached within a one-piece metal body, various other features related to this basic structure are also claimed.



16. The Nance reference includes a removable strainer held within a two-piece body that includes a bottom portion which can be removed so as to allow cleaning of the trap and strainer. See page 2 lines 140-145.
17. Modifying the Nance reference so as to arrive at a one-piece construction with a non-removable insert is directly contrary to the teachings which have been set forth in this reference.
18. Further the Examiner has failed to produce any evidence of a motivation to make such a modification.
19. The Webster reference does not teach this modification. The Webster device is made for use in an embodiment where small quantities of urine are utilized to push urine through a trap in such a way so as to prevent the occurrence of bad odors. The Webster device is intended for use in an environment where no flushing of a urinal is required. Because the Webster device is configured to such an environment, the use of large amounts of water such as would be utilized with the Nance reference would be contraindicated because the Webster device is simply not configured to receive such a quantity of water and instead would cause the drain to fail to function properly.
20. The Webster is a plastic, glass or plastic coated trap that is utilized in an embodiment of the invention where the only passage of material the tube takes place when additional urine is added. These types of materials are required because the stagnation of acidic urine on metal surfaces can cause corrosion see Webster at col 3 lines 19-26.
21. The differences in use and structure teach away from the intercombination of these items, and certainly would not make the combination which the Examiner has suggested.
22. Furthermore, this combination which has been suggested by the Examiner does not include each and every feature which has been set forth in the claims of the present application. This combination fails to include a single one-piece metal unit with a nonremovable liner, as this term has been described in the specification and included in the claims.
23. In as much as a prima facie case of obviousness has not been made with relation to these claims, Applicant respectfully submits that the present invention is allowable, and requests same.



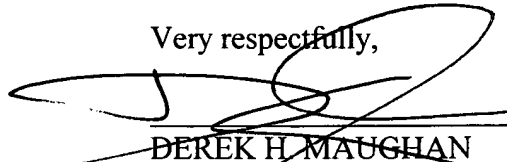
***Conclusion***

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 11<sup>th</sup> day of July, 2006.

Very respectfully,



---

DEREK H. MAUGHAN  
Reg. No. 52,007  
(208) 345-1122